

PATENT

Mail Stop Appeal Brief - Patents

Attorney Docket No. INS-31875

**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appellants : HIRSCH, Alan R.
Serial No. : 10/690,791
Filing Date : October 22, 2003
Examiner : FLOOD, Michele C.
Group Art Unit: 1655
For : Method of Altering Weight Perception
Confirmation No.: 5622

CERTIFICATION OF SUBMISSION

I hereby certify that, on the date shown below, this correspondence is being transmitted via the Patent Electronic Filing System (EFS) at the U.S. Patent and Trademark Office.

Date: September 10, 2009 John R. Palmatier

Mail Stop Appeal Brief - Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Sir:

This is in response to the Notification of Non-Compliant Appeal Brief, mailed September 4, 2009. The notice indicated a discrepancy with respect to the statement of the status of all claims.

A corrected **STATUS OF CLAIMS** is at page 2 of this paper.

Remarks begin on page 3 of this paper.

Status of the Claims

Please replace the section entitled 'Status of Claims' as follows:

III. STATUS OF CLAIMS

The status of all of the claims of this application is as follows:

Claims pending: 1-4, 6-9, 26, 27, 31-33 and 42-47.

Claims canceled: 5, 10-25, 28-30 and 41.

Claims withdrawn: 6-9, 27 and 31-33.

Claims rejected and on appeal: 1-4, 26 and 42-47.

Remarks

This is in response to the Notification of Non-Compliant Appeal Brief, mailed September 4, 2009. The notice indicated a discrepancy in the statement of the status of all claims.

Applicant hereby submits the corrected section of the non-compliant Appeal Brief – Section III. Status of Claims which corrects the statement of the status of the claims (re. the 'rejected' claims).

Only the amended section is submitted herewith. The remainder of Applicant's Appeal Brief, filed August 10, 2009, has not been re-submitted, and entry and consideration of the Appeal Brief with Applicant's remarks is requested.

Extension of Term. The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply. Appellant believes that no extension of term is required, but conditionally petitions for an extension of time if so required. If any extension and/or fee are required, please charge Account No. 23-2053.

For the reasons stated in the above arguments, Appellant believes that the claims on appeal comply with 35 U.S.C. §112(1), and requests that the final rejection of the claims on appeal be reversed.

Respectfully submitted,



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Dated: September 10, 2009

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